



State of Utah

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Office of the Governor PUBLIC LANDS POLICY COORDINATION

JOHN HARJA
Director

February 15, 2008

Utah National Forest Wild and Scenic River, DEIS
P. O. Box 162969
Sacramento, California 95816-2969

SUBJECT: Draft Environmental Impact Statement: Wild and Scenic River Suitability
Study for National Forest System Lands in Utah

To Whom It May Concern:

The State of Utah appreciates the opportunity to work with the U.S. Forest Service as a formal cooperating agency in the preparation of the *Draft Environmental Impact Statement: Wild and Scenic River Suitability Study for National Forest System Lands in Utah*. The state firmly believes that cooperation between the various landowners and regulatory agencies will lead to the best possible final product. The state recognizes and appreciates the considerable investment of time the Forest Service has made in assessing segment eligibility and the consequences of designation. The state's expectation is that this cooperative relationship will continue and that any resulting designation recommendation will be both well-reasoned and well-formulated. An important part of this process will be ensuring that segments found suitable are consistent with state and local plans, policies, and laws, to the maximum extent possible.

The Public Lands Policy Coordination Office (PLPCO) is tasked by state law to ensure that the positions of the state and its political subdivisions are considered in the development of public lands policy. To this end, PLPCO collected, reviewed and coordinated input from various state agencies and prepared these comments on behalf of the state. We encourage the Forest Service to also fully consider comments submitted by local governments.

The comments and concerns provided below are offered in the spirit of cooperation. The state recognizes this is but one step in a dynamic process that will continue into the future, and reserves the right to supplement these comments as necessary. The state looks forward to resolution of these issues as a cooperating agency through the preparation of the Final EIS and possible congressional recommendations.

Prerequisites to State Support:

Utah law establishes prerequisites for state support of a Wild and Scenic designation, and directs that the Forest Service ensure appropriate information is

developed, disclosed, and used as part of the WSR evaluation process. *See* Utah Code §63-38d-401(8)(a) thru (b). The law indicates, among other things, that river segments proposed for inclusion in the NWSRS should contain water at all times and possess an outstandingly remarkable value which is significant within a physiographic regional context, and that studies of the effects of designation on uses within the river corridor, as well as upstream and downstream from the corridor, are analyzed and disclosed.

The state is concerned that the evaluation process lost sight of the original intent of the term "outstandingly remarkable." The state believes the final analysis must demonstrate that the *segment* is outstanding within its region, not just that it contains outstanding values. This should be considered as the Forest Service decides whether designation is appropriate, or whether the associated outstanding value can be protected with other management provisions, such as the normal provisions of forest management plans.

While the state is committed to exploring segments of rivers that may qualify for inclusion in the Wild and Scenic River System, the state balances this commitment against concerns that designation of river segments as components of the System may jeopardize the ability of local communities, industry, farmers, Indian tribes, and other water users to appropriate and develop water, and to get change applications approved in order to meet their future water needs. Specifically, the state is concerned that Wild & Scenic River designations may, among other possibilities:

1. Limit the ability of communities to develop water needed for future growth;
2. Limit industrial growth including oil, gas, and mineral development;
3. Limit the use of water for current and future agricultural needs;
4. Reduce funding to the Colorado River Salinity Control Program, or affect agreements already in place for the Endangered Fishes Recovery Program.

Reserved Water Rights:

While federal reserved water rights are not established prior to Congressional designation, stream reaches found suitable are often managed as if they were designated. This manage-as-if-designated approach has the potential to cause managers to believe a *de facto* federal reserved water right exists for those reaches, and thereby impact the future management and utilization of valid existing water rights. No federal reserved water right can be created until Congress acts to designate river segments as components of the National Wild and Scenic River System. The state believes that the suitability determination phase is the proper time to begin negotiations concerning the extent of any future federal reserved water rights.

Protections offered by other management tools:

Forest Service direction indicates that the suitability determination will assess whether "designation is the best method for protecting the river corridor? In answering these questions, the benefits and impact of wild and scenic river designation must be evaluated and alternative protection methods considered." FSH 1909.12 at § 82.4. Similarly, under state statute, support for designation is contingent upon a comparison of protections afforded by other management tools and evaluation of consistency with the Forest Service's multiple-use mandate. See Utah Code § 63-38d-401(8)(a)(vi).

The DEIS and Suitability Evaluation Reports for individual segments discuss existing management requirements and their impact on the identified Outstandingly Remarkable Value. They do not, however, discuss whether designation would afford any additional protection or enhance the ORV. Moreover, the overall difference between designation and existing protections is uncertain where an eligible segment flows through multiple management prescriptions. For example, some segments are partially contained in congressionally designated wilderness but flow onto lands with less stringent protections. Where this occurs, the DEIS generally does not discuss how protections vary across boundaries, or whether designation meaningfully enhances protection. We encourage the Forest Service to expand this discussion.

Outstandingly Remarkable Values in Context:

The DEIS does not adequately or consistently assess whether ORVs are extraordinary when compared to other, similarly situated rivers. As stated in the Land Management Planning Handbook:

In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale. A river-related value would be a conspicuous example of that value from a number of similar examples that are themselves uncommon or extraordinary.

FSH 1909.12 – Land Management Planning Handbook Chapter 80 – Wild and Scenic River Evaluation at § 82.14 (Jan. 31, 2006).

The State of Utah applies a similar standard in determining whether to support segment designation. Under Utah law, state support for Wild and Scenic designation will be withheld where the federal agency fails to clearly demonstrate "that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces of the state, and that the rationale and justification for the conclusions are disclosed." Utah Code § 63-38d-401(8)(a)(ii). The same requirement is contained in *Wild and Scenic River Review in the State of Utah, Process and Criteria for Interagency Use*, 5 (June 1996) ("Resources should be at least regionally significant . . . a region should be explicitly delineated so that the significance of the rivers under review can be compared against others in the region").

The DEIS lacks the contextual information needed to assess satisfaction of these requirements. The DEIS does not identify the region of comparison or discuss whether eligible segments are "conspicuous examples of that value from a number of similar examples that are themselves uncommon or extraordinary." FSH 1919.12 at § 82.14. At a minimum, the DEIS should identify the region of comparison for the ORV(s) applicable to each segment and describe benchmark stream types for each physiographic region, comparing each eligible segment against the benchmark in order to demonstrate that recommended segments are indeed outstandingly remarkable when compared to other segments within the region. The Dixie, Fishlake, and Manti-La Sal National Forests published maps of the "Region of Comparison" for each major ORV class on their web sites. Similar information should be provided for each National Forest and addressed in the EIS.

Interim Management:

For identified eligible segments, the Forest Service should specifically identify the statutory authority for imposing interim protection. According to Forest Service Handbook direction, only congressionally identified study rivers receive statutory protections. FSH 1902.12, at § 82.51. "Protection of Forest Service identified study rivers ([segments identified under] sec. 5(d)(1) of the act) derives from other existing authorities (such as the Clean Water Act, the Endangered Species Act, and the Archaeological Resources Protection Act)." *Id.*

Accordingly, the eligible segments identified by the Forest Service are dependant upon separate statutory authority for their protection and the Forest Service should not assume blanket interim protection. Instead, the Forest Service should specifically identify the statutory authority for interim protection of each eligible river segment. This information, specific to each eligible segment, should be included in the Final EIS.

We also note that all action alternatives include Forest Plan amendments to impose interim protection on all segments determined suitable and proposed for designation. Such amendments may exceed the scope of the purpose and need for the proposed action. Moreover, the analysis contained in the DEIS does not demonstrate a compelling need for interim protection. Both issues should be resolved before release of the Final EIS.

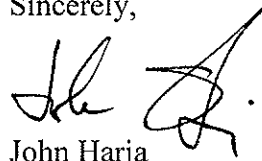
Transportation:

Suitability recommendations should not impede the state's ability to meet transportation needs. The Department of Transportation must be able to maintain transportation system safety, increase or expand road and bridge rights of way, and construct and maintain facilities therein. This is especially important for transportation facilities that are adjacent to or cross designated segments. Accordingly, the state is concerned that designating Little Cottonwood Creek, Huntington Creek, Logan River, Lower Logan River, Provo River, Hayden Fork, Beaver Creek, Green River and Lower Main Sheep Creek may impact a state road or U.S. Highway. The state is opposed to any

designation that may hinder, delay, or unduly burden the state's ability to maintain and expand the roadway corridor. We encourage continued cooperation on this issue.

In conclusion, thank you for the opportunity to comment. The state looks forward to continuing cooperation with the Forest Service as we seek to finalize a mutually acceptable designation recommendation. Please feel free to contact me with any questions or concerns about these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Harja', with a stylized flourish at the end.

John Harja
Director

cc: Catherine Kahlow, Wild & Scenic Team Leader

Attachment A
Additional State Comments and Concerns

Segments Not Included in an Action Alternative:

Table 3.2.1. lists the river segments eligible for protection based on the existence of ORVs. Ten segments, totaling 80 miles, are not included in any action alternative. These segments are:

- South Fork Ashley Creek on the Ashley National Forest;
- Cottonwood Canyon on the Dixie National Forest (administered by the Fishlake National Forest);
- Corn Creek on the Fishlake National Forest;
- Miners Basin (Placer Creek) on the Manti-La Sal National Forest;
- Chippean and Allen Canyons on the Manti-La Sal National Forest;
- Blacks Fork on the Wasatch-Cache National Forest;
- High Creek on the Wasatch-Cache National Forest;
- Left Hand Fork Blacksmith's Fork on the Wasatch-Cache National Forest;
- Main Fork Weber River on the Wasatch-Cache National Forest; and
- Red Butte Creek on the Wasatch-Cache National Forest.

Please discuss why these segments were determined to be eligible for protection but not carried forward for detailed analysis as part of an action alternative.

Intermittent or Ephemeral Flows:

Under state statute, the State of Utah's support for designation is contingent upon a clear showing that water is present and flowing at all times. Utah Code § 63-38d-401(8)(a)(i). The State of Utah cannot support designation of any segment that fails to satisfy this statutory requirement and therefore opposes designation of the following segments:

- Portions of Death Hollow Creek lacking perennial flows;
- Mamie Creek;
- Moody Wash;
- Cottonwood Canyon;
- Slickrock Canyon;
- Chippean and Allen Canyons;
- Hammond Canyon;
- Lower Dark Canyon, including Poison Canyon, Deadman Canyon, and Woodenshoe and Cherry Canyons;
- Miners Basin (Placer Creek); and
- Upper Dark, Horse Pasture, Peavine & Kigalia Canyons in Upper Dark Canyon

State support for designation is also contingent upon consistent application of eligibility and suitability criteria by all federal agencies. See Utah Code § 63-38d-

401(8)(a)(v). Consistent application of eligibility and suitability criteria furthers the state's interest in guaranteeing management continuity across jurisdictional boundaries. Direction contained in BLM Instruction Memorandum 2004-196 (June 22, 2004), indicates that ephemeral segments are not considered eligible for Wild and Scenic designation. The state encourages the Forest Service to apply a comparable standard in finalizing the EIS.

Scenic ORVs:

Forty-six of eighty-six eligible segments (458 of 840 eligible miles) identify scenery as an ORV. From the descriptions contained in the DEIS and Suitability Evaluation Reports, it is often difficult to determine whether the features that make for an outstanding and remarkable scenic value are within the river corridor and therefore within the protections provided by the Wild and Scenic Rivers Act. Scenic ORVs "should be located in the river or river corridor . . . [and] contribute substantially to the functioning of the river ecosystem and its public value, or owe their location or existence to the river." *Wild and Scenic River Review in the State of Utah, Process and Criteria for Interagency Use* 5 (June 1996).

Where components creating exceptional scenery are outside the river corridor (e.g. middle ground or background views of scenic landscapes), designation does not protect the features that purportedly constitute the outstandingly remarkable value. Since designation does not protect the features of import, designation is an ineffective resource management tool. Rather than propose designations that cannot protect the purported ORV, the Forest Service should forego designation and evaluate more appropriate land management tools as part of the next round of Forest Plan revisions. Reliance on traditional land management tools to protect scenic attributes outside the river corridor is consistent with the approach outlined in *Wild and Scenic River Review in the State of Utah, Process and Criteria for Interagency Use*. Segments with potentially problematic scenic ORVs include, but are not limited to:

- Upper Lake Fork River on the Ashley National Forest (cirque basins and broad glacial valleys);
- Upper Rock Creek on the Ashley National Forest (cirque basins and surrounding basins);
- Mamie Creek on the Dixie National Forest (scenic ORV not specified);
- North Fork of the Provo River and South Fork of the American River on the Uinta National Forest (views of Mt. Timpanogos);
- East Fork of Smiths Fork and Henry's Fork on the Wasatch-Cache National Forest ("background views");
- Main Fork of the Weber River on the Wasatch-Cache National Forest (vistas of Bald Mountain and Reids Peak);
- Middle Fork of the Weber River on the Wasatch-Cache National Forest ("vast views of remote country"); and
- Stillwater Fork and West Fork of the Black's Fork on the Wasatch-Cache National Forest (views of the High Uintas).

Alternatives:

According to the DEIS, Alternative 4 is responsive to the "risk of future planned development." However, the DEIS does not disclose what planned development projects are considered reasonably foreseeable, or which projects pose the greatest risk to ORVs. The risk of future planned development is an important consideration, both in terms of resource conditions and in terms of the opportunities foregone with river designation. The absence of this information effectively precludes readers from weighing the costs and benefits of designation and proffering recommendations that involve mixing and matching segments contained in different alternatives.

According to the DEIS, Alternative 6 reflects conservation organizations' ranking of each segments' importance. The DEIS does not disclose this ranking of segment importance. Rankings represent important information, especially when combined with the aforementioned risk of future planned development, as this information could focus the decision maker on segments where the tradeoffs between protection and development are most profound. This information should be provided in the Final EIS.

Legislative EIS:

It is unclear whether the Wild and Scenic River Suitability Study EIS is intended to serve as a legislative EIS, or alternatively, is an EIS for agency action. The discussion on page 1-4 indicates that the Forest Service will prepare a Record of Decision (ROD), but as described, the ROD will constitute only a "preliminary administrative recommendation," subject to revision by the Chief of the Forest Service, Secretary of Agriculture, and President of the United States. Please clarify the nature of the document, the final agency action subject to appeal, and the point or points in time where a potentially injured party may seek judicial relief.

Clarifying Language:

Table 3.3a.1., Eligible Segments with a Description of Scenic ORVs, indicates that the South Fork of Ashley Creek is recommended for designation under Alternative 5. The map of Alternative 5 and other tables (e.g. Table 3.7.1. River Segments with Domestic Livestock Grazing in or Adjacent to the River Corridor), indicate that the South Fork of Ashley Creek is not recommended under any action alternative. Please resolve this discrepancy.

Table 3.6.1., Mineral Development Status, indicates that Carter Creek is not recommended under any alternative. The map of Alternative 5 and other tables (e.g. Table 3.7.1. River Segments with Domestic Livestock Grazing in or Adjacent to the River Corridor), indicate that Carter Creek would be recommended under Alternative 5. Please resolve this discrepancy.

Table 3.12.1., Flow Regimes of [Eligible] Wild and Scenic River Segments, indicate that Upper Rock Creek and Slickrock Canyon are not recommended under any alternative. The map of Alternative 5 and other tables (e.g. Table 3.7.1. River Segments

with Domestic Livestock Grazing in or Adjacent to the River Corridor), indicate that Upper Rock Creek and Slickrock Canyon would be recommended under Alternative 5. The same table also indicates that Red Butte Creek is recommended under Alternative 4. The map of Alternative 4 and other tables (e.g. Table 3.7.1. River Segments with Domestic Livestock Grazing in or Adjacent to the River Corridor), indicate that Red Butte Creek is not recommended for designation under any alternative. Please resolve these discrepancies.

Table 3.12.2., Segments that have Drinking Water Source Protection Zones, indicates that the Middle Fork of the Weber River would not be recommended under any alternative. The map of Alternative 5 and other tables (e.g. Table 3.7.1. River Segments with Domestic Livestock Grazing in or Adjacent to the River Corridor), indicate that the Middle Fork of the Weber River would be recommended under Alternative 5. Please resolve this discrepancy.

Section 3.10, Social and Economic Resources, omits discussion of Fall Creek and Oweep Creek, both of which are proposed for recommendation under Alternative 5. Please discuss these segments.

Maps, Existing Management, and Special Designations:

The maps contained in Appendix A are not sufficiently detailed to determine whether individual segments are contiguous with segments recommended suitable by neighboring land managers. We encourage the Forest Service to incorporate maps showing segments endorsed by adjacent land managers and their relationship to the segments that would be recommended as suitable across the different alternatives.

Where individual SERs identify existing special designations, the discussion often lacks sufficient information about management within these designations. For example, the Middle Main Sheep Creek is within the Sheep Creek Geologic Area, but the SER does not indicate what, if any, protections are associated with this designation. The absence of this information makes it extremely difficult to identify the protections currently afforded to individual segments. Without this information, the reader is unable to determine whether designation would be redundant with existing management requirements or whether the protections afforded by designation would significantly contribute to ORV protection.

Similarly, the maps contained in Appendix A do not show protections afforded by all existing special designations (e.g. roadless areas, Natural Resource Conservation Areas, designated critical habitat, drinking water source protection zones, etc.). For example, a 5.1 mile segment of Thompson Creek is identified as eligible for designation. Of this 5.1 mile segment, 3.7 miles are within a wilderness area, 1.3 miles are within a roadless area, 1.6 miles are within a Drinking Water Source Protection Zone, and some or all of the segment is managed as a Riparian Habitat Conservation Area. The extent to which these designations overlap is unclear. Please identify which segments are located within areas with special designations and the extent to which these existing designations

afford meaningful direct or indirect protections to the ORVs present in each eligible segment.

Fisheries and Aquatic Values:

The DEIS states that "streams containing cutthroat trout will just be listed as cutthroat trout and no separation by species will be made." DEIS at p. 3-95. Differentiation by species is important given that federal or state law protects several species (Lahontan, Bonneville, Colorado River, and Yellowstone cutthroat trout). Moreover, the Suitability Evaluation Reports (SER) completed for each eligible segment and contained in Appendix A generally specify cutthroat species when fisheries reflect an ORV. Please include this important information, to the extent possible.

Wildlife:

Section 3.3d, Wildlife Values, would be clearer if it indicated whether any of the eligible segments overlap designated critical habitat for T&E species.

Table 3.13.1. identifies habitat for birds on the Partners in Flight and Birds of Conservation Concern List. Below this table "*" is identified as indicating that a species is included on both lists, and that the species is "dependant on the river corridor for primary or secondary breeding, or wintering habitat." Please clarify which of these is correct. The text below Table 3.12.2. refers to Table 3.13.1. but appears to relate to the species noted in Table 3.13.2. Please clarify applicability of these footnotes.

Riparian habitats are extremely important for wildlife. Mountain riparian and lowland riparian habitats are therefore designated as key habitats in the Utah Wildlife Action Plan. We are concerned that designation may prohibit future restoration efforts to enhance riparian habitats. These restoration efforts may include, but are not limited to, using mechanical equipment, disturbing the soil, using pesticides, and creating fish barriers. Improving riparian wildlife habitat will enhance or add outstanding value to the river, which is compatible with the objectives of the Wild and Scenic River Act. We strongly encourage inclusion of language that designations will not restrict future wildlife habitat improvements.

Botanical resources:

The Environmental Consequences section for botanical resources does not present the environmental impacts of the alternatives in comparative form, sharply defining the issues and providing a clear basis for choice among options. Please specifically discuss the botanical resources within each segment and the effect designation or non-designation may have on these resources, both individually and as grouped by alternative.

Range:

The Affected Environment section identifies the segments within which grazing occurs (65 of 86; 727 of 840 miles) and summarizes grazing activities within each of

these segments. Unfortunately, the Environmental Consequences section does not include any measure of potential conflict. Please specifically discuss any known, suspected, or anticipated conflicts between livestock grazing and designation, as well as tentative plans to address conflicts.

Social and economic impacts:

The DEIS states that, "[o]f the six alternatives, Alternative 4 has the most potential for social and economic impacts, primarily due to several potential water development projects associated with segments under consideration." DEIS at p. 3-109. The DEIS describes the No Action and No Listing alternatives as having similar social and economic impacts. DEIS at p. 3-108. Both statements are incorrect. The No Action Alternative includes a mandate to protect ORVs and maintain segment eligibility. This mandate applies to all eligible segments and has the potential to affect more water-related projects than any other alternative. As we requested elsewhere, please specifically discuss the interim protections afforded each eligible segment and the authority for such protections. Please also update the social and economic impacts section as appropriate.

Neighboring Jurisdictions:

Tables 4.14.1. and 4.14.2. provide an incomplete assessment of segments extending on to lands administered by other agencies. These tables should be referenced as 3.14.1. and 3.14.2., respectively. The table identified as 4.14.1. discloses findings of ineligibility for several segments abutting eligible segments, but is silent with respect to most segments extending onto lands administered by other federal agencies. Please clarify whether the segments excluded from the table extend onto lands administered by other federal agencies, and if so, whether they were determined eligible and suitable. Similarly, Table 4.14.2. discloses other federal land managers' classification of segments, but does not indicate whether these segments are contiguous with segments determined eligible by the Forest Service. Maps displaying this information would also be helpful.

Potential water development:

The Forest Service Handbook recognizes that a suitability recommendation involves an assessment of and decision regarding alternatives foregone because of designation. In particular, the suitability determination should consider whether one or more alternative uses are important enough to override the need for designation. Part of this assessment considers the existence of a "demonstrated commitment to protect the river by any nonfederal entity that may be partially responsible for implementing protective management." FSH 1909.12 at § 82.4. Under state law, support for designation is contingent upon a showing that designation and subsequent management will not prevent, reduce, impair, or otherwise interfere with the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state. Utah Code § 63-38d-401(8)(a)(x).

Utah is the second most arid state in the nation and development of the state's water resources is critical to the long-term health and prosperity of the state and its

residents. Where the state has identified reasonably foreseeable development of water resources that may conflict with future management of a segment recommended for designation, the Forest Service should forego a designation recommendation.

While reviewing Table 3.12.4, Segments with Potential Water Developments, the Division of Water Resources noted that the potential reservoir site affecting the proposed Wild and Scenic River segment "Left, Right, and East Fork Bear River," has been accredited to the Utah Division of Water Resources as well as to the Wyoming State Water Plan, Bear River Basin Plan. The East Fork potential reservoir sites listed in T01N R10E sections 26 & 27 (Salt Lake Base and Meridian) on the upper Stillwater River were not submitted by the Utah Division of Water Resources for consideration in the Forest Service's Wild and Scenic Rivers review. These sites apparently come from a study performed for the State of Wyoming by J. T. Banner & Associates Consulting Engineers, dated September, 1958. We were aware of these sites but had eliminated them from our consideration. These sites were more likely submitted by another entity quoting the Wyoming State Water Plan.

The Forest Service's preferred alternative eliminated those proposed Wild and Scenic River segments that would encroach upon proposed reservoir sites the Utah Division of Water Resources initially submitted for consideration by the Forest Service. However, we have since reevaluated potential reservoirs and determined that those sites located on the Logan River as well as the two sites located on Beaver Creek (which flows into the Logan River) are no longer recommended by the Utah Division of Water Resources staff. It is unlikely that any proposed reservoir would be economical (due to moving highway 89 and other developments). In addition, to our knowledge, there has been no recent interest expressed in developing any of the sites in Logan Canyon. Some sites we did submit were listed in an incorrect section. The sites listed in error are Logan River No. 3, and Logan River No. 4, listed by us as being in T12N, R03E, Section 18. They should have been listed in T12N, R03E, Section 24 on the Logan River. An updated list of potential reservoir development sites is attached.

Supplemental Scientific Research:

In an effort to understand the nature and extent of the effects of designations, the state contracted with Utah State University to conduct a Wild and Scenic River designation study. The study was designed as: (1) a review of scholarly literature regarding recreation impacts of Wild and Scenic designation, and (2) a literature review and case study analyzing the impact of designation on non-recreational aspects of the economies of local communities and users. Preliminary results indicate: (1) a lack of before and after studies of wild and scenic river designation, (2) anecdotal evidence of a designation effect, (3) one statistical study found no evidence of a designation effect, and (4) various effects on private and public land uses resulting from designation. Complete findings will be available soon. We encourage the Forest Service to carefully consider this information as we move forward.

Comments Specific to Individual River Segments:

Issues regarding several eligible segments arose during the state's DEIS review. The comments below do not reflect a comprehensive review of the Suitability Evaluation Reports for all segments.

The East Fork of Boulder Creek (2.8 miles, Wild) contains a self-sustaining population of Colorado River Cutthroat Trout (CRCT). This is a remnant population and genetically pure. CRCT are listed in DWR's December 2007 Sensitive Species List as a "Conservation Agreement Species." Appendix A at p. 180 indicates that the East Fork of Boulder Creek downstream of the NFS boundary and within the GSENM was determined suitable for designation. However, the East Fork of Boulder Creek is not discussed in the Monument's FEIS. Please clarify.

The North Fork of the Virgin River (0.7 miles, Scenic) has only a minimal contribution to basin integrity as it is one of many tributaries to the Virgin River, very short in length, and separated from other segments under federal management by long stretches of private lands. The cost of designation appears to far outweigh its benefits with respect to this segment.

Manning Creek (3.8 miles, Wild), is in Piute County and contains an important population of Bonneville Cutthroat Trout (BCT). BCT are listed in DWR's December 2007 Sensitive Species List as a "Conservation Agreement Species." Appendix A at p. 265 indicates that Sevier County is opposed to designation. No information is included regarding Piute County's opinion.

The state believes that the identified ORVs associated with Moody Wash are being adequately protected under the Virgin Spinedace Conservation Strategy and the associated Memorandum of Understanding between Utah Department of Natural Resources, United States Fish and Wildlife Service, United States Bureau of Land Management, United States National Park Service, Nevada Department of Conservation and Natural Resources, Washington County Water Conservation District, and Arizona Game and Fish Department. The conservation strategy agreement has been in place since 1995 and, in the state opinion, is a better means for providing effective protection to Moody Wash than Wild and Scenic River designation.

As has been stated in previous comments, the state believes that application of the Wild and Scenic Rivers Act to Fish Creek and Gooseberry Creek would create serious conflicts with existing water rights, a Bureau of Reclamation water development withdrawal which has existed for more than seventy years, and the economic and social needs of several counties. Designation, therefore, does not appear to be in the best interests of the citizens of the State of Utah.

Attachment B
Utah Proposed Reservoirs
in Conflict with Wild and Scenic River Designation
on Forest Service Lands

Proposed Wild & Scenic River Section	Utah Proposed Reservoirs in Conflict with Wild and Scenic River Designation on Forest Service Lands
Beaver Creek (Logan)	Beaver Narrows, T15N R04E Section 32. Reservoir was proposed with height of 60 ft. and with a capacity of 1,000 ac-ft. References 1 and 2.
Remove	Beaver Narrows (lower), T15N R04E Section 32. Reservoir was proposed at height of 130 ft., with capacity of 4, 877 ac-ft. References 1, 2 and 3.
Black's Fork	Old Headquarters, T03N R12E Section 27, 117 ft high, 14,080 ac-ft capacity. Reference 2. U.S.B.R. preliminary investigation by Debler 1938. Located on proposed Black's Fork Wild and Scenic River segment.
	Big Bend, T02N R12E Section 07, 100 ft, 14,000 af. Reference 2. USBR proposed (unknown report), upstream of the proposed Black's Fork W&S river segment, would regulate water through the segment.
Fish Creek	Blacks Fork (upper), T02N R11E Section 24, 44 ft high, 4,070 ac-ft capacity. Upstream of Black's Fork W&S segment, may also back water up into West Fork Black's Fork W&S segment. Originally proposed by the U.S.B.R. Reference 2.
Fish Creek/Gooseberry Creek (Scofield)	Mammoth, T13S R06E Section 06, Two proposed dam heights; 115 ft high, and 180 ft high, capacities of 41,213 ac-ft and 75,624 ac-ft respectively. This reservoir was once built and failed, the site is on the upstream end of the proposed Fish Creek Wild and Scenic River segment. Still a viable site, reservoir was originally proposed in several more sizes. Reference 2.
Huntington Creek	Gooseberry, T13S R06E Section 19, 100 ft high, 36,000 ac-ft capacity. On Gooseberry Creek upstream of proposed Fish Creek Wild and Scenic River section. Reference 2, also Bureau of reclamation Water Supply Paper 618, pg. 155.
	Russell Site, T14S R06E Section 24, 121 ft high, 3,325 ac-ft capacity. This site is located downstream of Electric Lake on the proposed Huntington Creek Wild and Scenic River segment. Electric Lake has been leaking into the nearby coal mines and may have to be replaced or supplemented in the future if leaks cannot be plugged. Reference 2.
	Millset Creek, T13S R06E Section 27, 69 ft high, 1,060 ac-ft capacity. USBR site just upstream of Electric Lake and the Huntington Creek Wild and Scenic River segment. The State Engineer performed preliminary design and cost estimates. Reference 2.

Remove

Remove

Proposed Wild & Scenic River Section	Utah Proposed Reservoirs in Conflict with Wild and Scenic River Designation on Forest Service Lands
Left Hand Fork Blacksmith Fork	Forks, T10N R02E Section 03, 230 ft height and capacity of 47,000 ac-ft. Reference 4. Just downstream of W&S section, would back water up into the proposed river section.
	Forks, T10N R02E Section 03, 255 ft height and capacity of 35,000 ac-ft. Reference 2. Just downstream of W&S section, would back water up into the proposed river section.
Remove	Card Canyon, T12N R02E Section 24, 310 ft high, 35,000 ac-ft capacity. Reference 1 and 2, U.S.B.R. preliminary investigation by Green in 1924. Located on proposed Logan River Wild and Scenic River segment.
Remove	Dewitt, T12N R02E Section 27, 255 ft high, 35,000 ac-ft capacity. Reference 1 and 2, U.S.B.R. preliminary investigation by Green in 1924. Would back water up onto Logan River Wild and Scenic River segment.
Remove	Logan River (Twin Bridge), T13N R03E Section 27, two heights; 285 ft, 170 ft, with capacities of 26,000 ac-ft and 5,000 ac-ft respectively. Located on middle of the proposed Logan River Wild and Scenic River segment.
Remove	Logan River No. 2A, T12N R02E Section 24, three heights; 250 ft, 200 ft, 150 ft, with capacities of 40,000 ac-ft, 24,000 ac-ft and 10,000 ac-ft respectively. Reference 2, U.S.D.A. Cache valley, Fortier and McLaughlin 1921.
Remove	Logan River No. 3, T12N R03E Section 18, three heights; 250 ft, 200 ft, 150 ft, with capacities of 23,000 ac-ft, 16,100 ac-ft and 8,200 ac-ft respectively. Reference 2, U.S.D.A. Cache valley, Fortier and McLaughlin 1921.
Remove	Logan River No. 4, T12N R03E Section 18, two heights; 250 ft, 200 ft, with capacities of 21,000 ac-ft and 13,000 ac-ft respectively. Reference 2, U.S.D.A. Cache valley, Fortier and McLaughlin 1921.
Remove	Logan River No. 5, T12N R03E Section 07, two heights; 250 ft and 200 ft, with capacities of 22,000 ac-ft and 14,000 ac-ft respectively. Reference 2, U.S.D.A. Cache valley, Fortier and McLaughlin 1921.
Remove	Twin Creek, T13N R03E Section 23, four dam heights proposed; 322ft, 250ft, 200ft, 150ft, with capacities of 48,000 ac-ft, 40,000 ac-ft, 22,000 ac-ft and 9,400 ac-ft respectively. Reference 2, U.S.B.R. Cache Valley, Green 1924.

Proposed Wild & Scenic River Section	Utah Proposed Reservoirs in Conflict with Wild and Scenic River Designation on Forest Service Lands
Lower Dry Fork Creek	East Cottonwood, T02S R19E Section 26, 70 ft high, 3,000 ac-ft capacity. This reservoir would be located on Dry Fork Creek at the south end of Brownie Canyon, east of Charley's Park. The reservoir would be used for flood control and summer irrigation storage. A field geologic site analysis was conducted by the U.S. Natural Resources Conservation Service in the early 1930's.
	Blanchett Park Reservoir, T01S R18E Section 28, 72 ft height, 4,600 ac-ft capacity. This reservoir site is located on the main stem of Dry Fork Creek approximately 5 miles upstream of the Wild & Scenic river section. Although a larger reservoir could be filled, topography limits the practical size of the reservoir. U.S. Natural Resources Conservation Service conducted a geologic investigation of this site.
Middle Main Sheep Creek	Hickerson Park, T02N R18E Section 19, Heights of 60 ft and 96 ft, with capacities of 4,000 ac-ft and 8,997 ac-ft respectively. Dam would be on Sheep Creek 6 miles above proposed W&S section. This proposed reservoir is located west of existing Long Park Reservoir and was investigated at the same time. The Long Park site was chosen over this site due to its larger capacity of 14,300 ac-ft. This reservoir could be useful if leaks reappear in Long Park Reservoir. Reference 3
Middle Whiterocks	Whiterocks Reservoir (Swiger alignment), T02N R01E Section 06, 255 ft high, 59,260 ac-ft capacity. This site is located on-stream one mile southwest of Ice Cave Peak. This site was proposed in a 1978 report by the Department of the Interior, Bureau of Reclamation, and Central Utah Water Conservancy District as part of the Central Utah Project. The present dam height and capacity were proposed in a 1992 study that revisited the site. The dam would be roller compacted concrete or earthfill. Water from this dam would serve 21,000 Indian and 25,000 acres of non-Indian land. Four named canals would serve the area; Whiterocks and Ouray, U.S. Deep Creek, Henry Jim and Moffatt. Reference 5.
	Whiterocks Reservoir, T03N R01W Section 09 (Uintah Base and Meridian), 330 ft. high, 101,040 ac-ft capacity. CUP proposed.

Proposed Wild & Scenic River Section	Utah Proposed Reservoirs in Conflict with Wild and Scenic River Designation on Forest Service Lands
South Fork Ashley Creek	Dry Fork Twins, Reservoir T01S R18E Section 22, 49 ft high, 3,200 ac-ft capacity. Located on the Twin Lake Fork of Dry Fork Creek. The U.S. Natural Resources Conservation Service conducted a geologic investigation of this site and cost estimate for the dam in 1965.
	Harmston Park, T01S R18E Section 23, 67 ft high, 2,220 ac-ft capacity. This site is located near the Twin Lakes Fork of Dry Fork Creek, approximately 0.5 mile upstream from existing Dry Fork Twin Lakes and 1.0 mile down stream from proposed Reynolds Lake Reservoir. This reservoir would regulate a portion of the water that flows through the proposed South Fork Ashley Creek Wild and Scenic River segment.
	Reynolds Lake Reservoir, T01S R18E Section 24, 48 ft. high 1,000 ac-ft capacity. This reservoir would regulate a portion of the water that flows through the proposed South Fork Ashley Creek Wild and Scenic River segment.
Stillwater Fork	Trout Creek Reservoir T01S R19E Section 13, 116 ft high, 14,400 ac-ft. On South Fork Ashley Creek Wild and Scenic River segment. Proposed in a 1975 study and revisited in 1988 by Bingham Engineering for the Dry Fork/Ashley Creek Flood Control Project, this reservoir would attenuate springtime flooding by storing high flows from Trout Creek and the North Fork of Ashley Creek. The reservoir would also retain water for the late summer irrigation demands for a portion of 17,000 acres of cropland. Located 25 miles northwest of Vernal at the confluence of the two creeks, the reservoir was originally proposed at a 25,000 ac-ft capacity by the Soil Conservation Service.
	Wyuta, T01N R10E Section 09, Two heights proposed; 130 ft and 170 ft, with capacities of 6,325 ac-ft and 146,000 ac-ft respectively. These projects would be located on-stream in the middle of this proposed Wild and Scenic segment. Reference 1 (Wyuta). Three smaller capacity reservoirs named Stillwater also proposed in this section with heights of 70 ft, 78 ft, and 90 ft, with capacities of 4,900 ac-ft, 9,500 ac-ft, and 9,300 ac-ft respectively. Reference 1 & 2 (Stillwater).

Proposed Wild & Scenic River Section	Utah Proposed Reservoirs in Conflict with Wild and Scenic River Designation on Forest Service Lands
Upper Yellowstone Creek	<p>Upper Yellowstone B, T02N R04W Section 10, 134 ft height, 6,440 ac-ft capacity. This on-stream dam site is located 1.5 miles north of the Yellowstone Ranch. The dam was proposed to be constructed of roller compacted concrete or earthfill. Nine canals would furnish irrigation water for 13,100 acres of Indian land and 30,400 of non-Indian land. The reservoir would be located on Forest Service land and would inundate the Pineview Campground. Preliminary site geology was examined in the summer of 1993 by CH₂M Hill/Horrocks.</p>
	<p>Upper Yellowstone C, T02N R04W Section 15, 275 ft height, 61,350 ac-ft capacity. This on-stream dam site is located 0.75 miles north of the Yellowstone Ranch. The dam was proposed to be constructed of roller compacted concrete or earthfill. Nine canals would furnish irrigation water for 13,100 acres of Indian land and 30,400 of non-Indian land. The reservoir would be located on Forest Service land and inundate both the Swift Creek and Riverview Campgrounds. This reservoir would be located entirely on federal land, backing water up into the proposed Wild and Scenic River section. Preliminary site geology was examined in the summer of 1993 by CH₂M Hill/Horrocks.</p>
	<p>Upper Yellowstone E, T02N R04W Section 15, 330 ft height, 101,040 ac-ft capacity. This on-stream dam site is located 0.25 miles north of the Yellowstone Ranch. The dam was proposed to be constructed of roller compacted concrete or earthfill. Nine canals would furnish irrigation water for 13,700 acres of Indian land and 30,400 of non-Indian land. The reservoir would be located on Forest Service land and inundate Swift Creek, Riverview and Reservoir Campgrounds. This proposed reservoir would be located entirely on federal land, backing water up into the proposed Wild and Scenic River section. Preliminary site geology was examined in the summer of 1993 by CH₂M Hill/Horrocks.</p>